

**UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF NORTH CAROLINA
CHARLOTTE DIVISION
3:11-cv-428-RJC-DSC**

RONALD W. WALDEN, JR.,)	
)	
Plaintiff,)	
)	
vs.)	<u>ORDER</u>
)	
DDRM ROSEDALE SHOPPING CENTER, LLC,)	
)	
Defendant.)	
)	

THIS MATTER comes before the Court sua sponte. Plaintiff filed his Complaint on September 2, 2011. (Doc. No. 1). The case docket reflects that a summons was issued by the Clerk of the Court on September 2, 2011 for service of the Complaint on Defendant. (Doc. No. 2). However, the docket contains neither (1) a return of summons or proof of service of the Complaint on Defendant nor (2) an executed waiver of service by Defendant. Federal Rule of Civil Procedure 4(m) provides as follows:

If a defendant is not served within 120 days after the complaint is filed, the court--on motion or on its own after notice to the plaintiff--must dismiss the action without prejudice against that defendant or order that service be made within a specified time. But if the plaintiff shows good cause for the failure, the court must extend the time for service for an appropriate period.

Plaintiff had until January 3, 2012 to serve his Complaint on Defendant. The time has now expired. Plaintiff is hereby warned that if he does not serve his Complaint on Defendant within 14 days, his case will be DISMISSED without prejudice.

IT IS, THEREFORE, ORDERED that Plaintiff shall serve his Complaint on Defendant and provide this Court with proof of service within 14 days. **FAILURE TO PROVIDE THE COURT WITH PROOF OF SERVICE WITHIN 14 DAYS WILL RESULT IN**

DISMISSAL OF ALL CLAIMS AGAINST DEFENDANT.

Signed: January 11, 2012

Robert J. Conrad Jr.

Robert J. Conrad, Jr.
Chief United States District Judge

